

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

Plaintiff,

Case No. 1:19cr024-1

v.

Judge Michael R. Barrett

Lorin Buckner

Defendant.

ORDER

This matter is before the Court on Defendant Lorin Buckner's¹ January 31, 2022, filing titled "Demand for Bill of Particulars Nature and Cause of Accusation Not a Discovery Motion." (Doc. 278).

Before turning to the substance of Defendant Buckner's current filing, the Court notes that he filed it pro se. Defendant Buckner appeared before the Court for an Initial Appearance on March 13, 2019, during which the Court appointed CJA Panel Attorney William Gallagher to represent him. (Docs. 35, 37). Defendant Buckner and Attorney Gallagher each filed Motions to Withdraw Attorney Gallagher as counsel of record in October 2019. (Docs. 149, 150). In November 2019, the Court held a hearing on the matter, granted the motions, and appointed CJA Attorney Paul Laufman to represent Defendant Buckner in this matter. (Docs. 151, 153).

¹ Defendant Buckner has been charged as part of a 26-count Indictment, filed on March 6, 2019, in which 22 counts apply to him: one count of conspiracy to commit mail and wire fraud, three counts of mail fraud, seven counts of wire fraud, nine counts of bankruptcy fraud, one count of bank fraud, and one count of aggravated identity theft. (Doc. 16). There are 11 individual Defendants and three corporate Defendants in this matter. (*Id.*) In short, the Indictment alleges that Defendants, in various roles, "engaged in a nationwide scheme to defraud distressed homeowners by falsely representing that they could help the homeowners save their homes." (*Id.* ¶ 15).

On March 10, 2020, Attorney Laufman filed a Motion to Withdraw indicating that Defendant Buckner informed him that he wishes to proceed pro se. (Doc. 163). On May 1, 2020, the Court held a hearing on Attorney Laufman's Motion and conducted a *Faretta* inquiry with Defendant Buckner. See *Faretta v. California*, 422 U.S. 806, 833-34 (1975); *United States v. Cromer*, 389 F.3d 662, 680 (6th Cir. 2004) (explaining that a *Faretta* inquiry is a series of questions from the BENCH BOOK FOR UNITED STATES DISTRICT COURT JUDGES that judges use to ensure that a defendant knowingly and voluntarily waives his or her right to counsel before allowing a defendant to exercise the right to self-representation). Defendant Buckner insisted on proceeding pro se notwithstanding the Court's inquiry and after a full colloquy regarding the potential difficulties of self-representation. The Court granted Attorney Laufman's Motion at the hearing. (Doc. 171).

Defendant Buckner knowingly and voluntarily proceeded pro se from May 1, 2020 until January 21, 2022, when the Court re-appointed CJA Panel Attorney Gallagher,² in light of Defendant Buckner's untimely request for court-appointed counsel during a January 13, 2022 telephone status conference (Doc. 277); see JAN. 13, 2022 MINUTE ENTRY. During a January 31, 2022 telephone status conference, Defendant Buckner objected to Attorney Gallagher's appointment and requested new counsel. See JAN. 31, 2022 MINUTE ENTRY. The Court continues to take Defendant Buckner's, now third, objection to court-appointed counsel under advisement.

² The Court re-appointed Attorney Gallagher due to his familiarity with the facts of this case and the upcoming April 4, 2022 trial date.

Turning to the substance of Defendant Buckner's current filing, his requests therein are denied. The issues that Defendant Buckner raises are not new and have already been raised and ruled on in this matter, and, in many ways, his requests are nonsensical.

Finally, Defendant Buckner's January 31, 2022, filing is untimely, and the Court will strike it for that reason. The initial motions deadline in this matter was March 11, 2020. (Doc. 156). The Court has extended the motions deadline on five occasions: from March 11, 2020 to May 20, 2020 (Docs. 165, 166), to September 18, 2020 (Doc. 192), to July 1, 2021 (Doc. 245), to September 30, 2021 (Doc. 270), and to December 23, 2021 (Doc. 274). Defendant Buckner fails to offer any explanation as to why he could not file this document in the period between March 11, 2020 and December 23, 2021.

Based on the foregoing, the Court sue sponte **STRIKES** Defendant Buckner's filing titled "Demand for Bill of Particulars Nature and Cause of Accusation Not a Discovery Motion" (Doc. 278), and will not require the Government to respond thereto.

IT IS SO ORDERED.

/s Michael R. Barrett_____
Michael R. Barrett, Judge
United States District Court